

RECEIVED
Sep 12 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DIONTE J'CHON HABERSHAM,

APPELLANT.

APPELLATE CASE NO. 2021-000805

MOTION FOR AN EXTENSION OF TIME IN WHICH
TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Dionte J'Chon Habersham respectfully requests **final extension of thirty (30) days, from September 12, 2022 until October 12, 2022**, in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today, September 12, 2022. The Court has granted counsel four previous extensions.

2. Counsel for Dionte J'Chon Habersham respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

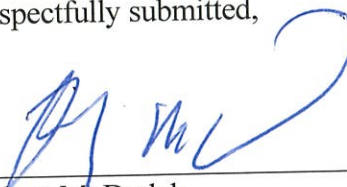
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Diante Jermaine Willis with this Court on Friday, September 9, 2022. Counsel, with co-counsel Kathrine H. Hudgins, filed the petition for writ of certiorari in the death penalty case of State v. Jerome Jenkins, Jr., with the United States Supreme Court on August 31, 2022. Counsel filed the petition for writ of certiorari in the murder case of Justin Jamal Warner v. State, with the United States Supreme Court on August 26, 2022. Counsel is also preparing his presentation on the Case Law Update for the Public Defender Convention on Monday, September 19, 2022. Counsel filed the brief of petitioner in the case of The State v. William C. (Billy) Sellers, with the Supreme Court on July 28, 2022. Counsel also must file a brief of petitioner in State v. Robert Geter on October 7, 2022, and a brief of petitioner in State v. Gregg Pickrell on October 10, 2022, both in the Supreme Court. Counsel filed the petition for rehearing in the case of The State v. Malette Denise Kimbrough, with this Court on July 27, 2022. Counsel filed the amended final reply brief of appellant in the case of The State v. Bryan Austin Seidle with this Court on July 26, 2022, with co-counsel Lara M. Caudy. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. William Outler, Jr., with this Court on July 15, 2022. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jonathan Richard Rackley with this Court on July 18, 2022. Counsel was out of town teaching error preservation at the PD-103 seminar in Greenville from Wednesday, July 6, 2022, until Friday, July 8, 2022. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested. **Counsel regrets the necessity of this extraordinary extension request but given his current caseload it could not be avoided.**

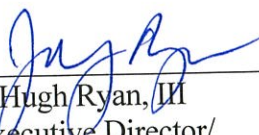
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2022. That extended, emailed general consent was dated August 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final extension of thirty (30) days, from September 12, 2022 until October 12, 2022** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 12th day of September, 2022.

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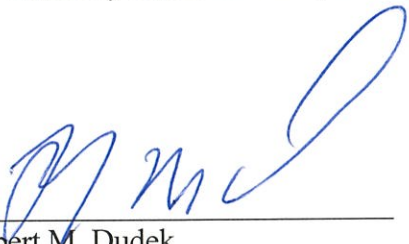
DIONTE J'CHON HABERSHAM,

APPELLANT.

APPELLATE CASE NO. 2021-000805

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy the motion for an extension of time in which to serve and file the initial brief of appellant and designation of matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of September, 2022.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: [SC - BROWN MELODY](#)
Cc: [SC - BROWN ANGELA](#); [Dudek, Robert](#)
Subject: 2021-000805 The State v. Dionte J'Chon Habersham
Date: Monday, September 12, 2022 10:16:00 AM
Attachments: [2021-000805 The State v. Dionte J'Chon Habersham - Motion for Fifth Extension.pdf](#)

Attached is a copy of a motion for fifth extension which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
Administrative Assistant
SC Commission on Indigent Defense
Appellate Division
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P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330